

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

Gladys Harun,

Petitioner,

v.

Case No: 323-003

UNITED STATES OF AMERICA,

Respondent.

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2026 JUN 25 P 1:24

CLERK 
SO. DIST. OF GA.

MOTION FOR LEAVE TO FILE SUPPLEMENTAL OBJECTIONS TO THE
UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Movant, Gladys Harun, proceeding *pro se* for the limited purpose of this motion, respectfully requests leave of this Court to file supplemental objections to the United States Magistrate Judge's Report and Recommendation ("R&R"). This motion is necessary to prevent the waiver of numerous meritorious constitutional and procedural claims that were omitted from the objections filed by counsel.

STATEMENT OF FACTS

1. On June 24, 2026, Rodney Zell; counsel for Movant filed "Petitioner's Objections to United States Magistrate Judge's Final Report and Recommendation" (Doc. 85).
2. Movant had specifically requested the opportunity to review and provide input on these objections before they were filed with the Court but was not afforded that opportunity.
3. The objections as filed are extremely narrow in scope, focusing exclusively on the amount of restitution and a related claim of ineffective assistance of counsel at sentencing.

4. Critically, the filed objections explicitly state: “She is not objecting to any finding regarding the entry of her guilty plea or her sentencing apart from the amount of restitution.” (Doc. 85 at 1).
5. This limiting statement effectively abandons the vast majority of the significant and meritorious claims raised in Movant’s original § 2255 motion, preventing them from receiving the required *de novo* review from this Court.

GROUND FOR SUPPLEMENTAL OBJECTIONS

A. Failure to Preserve Critical Claims

The objections filed by counsel (Doc. 85) completely omit any challenge to the Magistrate Judge’s findings on the following critical issues raised in Movant’s § 2255 petition:

- **Procedural Defects:** The Magistrate Judge’s failure to rule on Movant’s pending Motion to Supplement the Record (Doc. 72) before issuing the R&R.
- **Widespread Ineffective Assistance of Counsel:** The serial failures of all five of Movant’s previous attorneys, which went far beyond the sentencing phase.
- **Improper Venue:** The constitutional and jurisdictional defect of being prosecuted in the Southern District of Georgia when all essential conduct occurred in the Middle District.
- **Brady and Giglio Violations:** The government’s suppression of dispositive exculpatory evidence, including tax, business, and payroll records held by government agencies, which prove the legitimacy of Movant’s business.
- **Perjured Testimony:** The government’s reliance on perjured testimony by federal agents who falsely claimed Movant had no legitimate business.
- **Fundamental Prosecutorial Error:** The government’s erroneous application of the 52-week payroll formula instead of the correct 12-week seasonal employer formula, which was the sole basis for the fraud allegation.

- **Illegality of the Restitution Order:** The argument that the restitution is illegal under the MVRA because the SBA's loan forgiveness establishes zero actual loss, not merely that the calculation was wrong.
- **Constitutional Violations:** The double jeopardy and Eighth Amendment excessive fines issues raised by the sentence and restitution order.

B. Irreparable Prejudice from the Narrow Scope of Objections

The failure to raise these issues is not a matter of strategy but a matter of waiver. Controlling case law establishes that un-objected-to portions of an R&R do not receive meaningful review, thus waiving them for appeal.

- Under Federal Rule of Civil Procedure 72(b)(3), a district judge “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” *See Henderson v. Black*, No. 1:23-CV-1250, 2024 U.S. Dist. LEXIS 169601, at 2 (*N.D. Ohio Sep. 19, 2024*). Issues not raised in an objection do not trigger this mandatory review.
- As one court held, “A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge’s Report to which an objection is made.” *Jones v. Phelps*, No. 2:20-CV-01369-RMG, 2021 U.S. Dist. LEXIS 154696, at 1 (*D.S.C. Aug. 17, 2021*).
- The consequences are severe: “Failure to object to the magistrate [judge]’s factual findings after notice precludes a later attack on these findings.” *Kleckley v. State of Fla.*, No. 22-14227-CIV, 2022 U.S. Dist. LEXIS 191845, at 3 (*S.D. Fla. Oct. 20, 2022*).
- Ultimately, “The failure to file objections to the report and recommendation waives any further right to appeal.” *Dowd v. United States*, No. 17-10707, 2020 U.S. Dist.

LEXIS 85278, at 2 (*E.D. Mich. May 15, 2020*) (citing *Thomas v. Arn*, 474 U.S. 140 (1985)).

Without leave to supplement, Movant's strongest grounds for relief will be procedurally forfeited.

C. The Dispositive Nature of the Omitted SBA Loan Forgiveness Issue

The most glaring omission is the failure to object based on the actions of the alleged victim, the Small Business Administration (SBA). The SBA has not recalled Movant's loans and has provided documents confirming that it audited Movant's records, was satisfied with how the loan funds were used, and proceeded to forgive the loans. This evidence directly contradicts the government's theory of fraud and establishes zero actual loss under the Mandatory Victims Restitution Act (MVRA). This single, un-objected-to issue is potentially dispositive of the entire case.

D. Communication Breakdown with Counsel

Movant is forced to file this motion because of a complete breakdown in communication with counsel. Movant attempted to contact counsel numerous times via telephone and email to discuss the specific issues that needed to be included in the objections. Counsel did not respond to these communications and only called Movant on the deadline day, June 22, 2026. During this call, counsel admitted that he did not have access to Movant's documents in PACER and that he had never taken a look at the Motion to Supplement the Record and the exhibits attached with it. As a direct result, he was not in a position to advocate for the petitioner. Counsel missed critical issues raised in Movant's § 2255 petition for failure to exercise diligence and visit the court to access documents ahead of time. Movant was denied the opportunity to review the objections before filing, despite her specific request. This lack of preparation and communication directly resulted in the filing of a critically deficient document that does not reflect Movant's position or protect her rights.

LEGAL STANDARD

Movant acknowledges that objections to a magistrate's report are not considered "pleadings" that can be amended as a matter of course under Federal Rule of Civil Procedure 15.

However, this Court retains the inherent authority and discretion to permit supplemental filings to prevent manifest injustice, particularly in the context of a § 2255 proceeding where fundamental rights are at stake. Given the risk of waiving numerous meritorious constitutional claims due to counsel's unilateral and unexplained actions, granting leave is necessary to ensure a just resolution.

CONCLUSION

WHEREFORE, Movant respectfully requests that this Honorable Court grant this Motion and provide leave to file supplemental objections that properly address all of the meritorious constitutional and procedural issues raised in her § 2255 motion. This relief is essential to prevent the waiver of her claims and ensure a full and fair review of this matter.

Respectfully submitted, this 24th day of June, 2026.

Petitioner has attached the omitted objections that she dire need to be considered by court.

Respectfully submitted, this 24th day of June, 2026.

GLADYS HARUN, Pro Se

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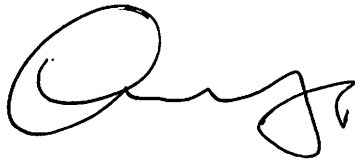
Warner Robins GA 31095.



CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 2026, I have served a true and correct copy of the foregoing Supplemental Objections upon the office of the United States Attorney for the Southern District of Georgia via mail

GLADYS HARUN- Pro se

A handwritten signature in black ink, appearing to be 'Gladys Harun', written in a cursive style.